

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JESSE J. WALTON,

Plaintiff,

Case Number: 2:10-CV-14389

v.

HON. VICTORIA A. ROBERTS

ULYSSES S. BOYKIN, ET AL.,

Defendants.

ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

Plaintiff Jesse J. Walton, Jr., is in state custody at the Barage Maximum Correctional Facility in Baraga, Michigan. He filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The Court finds that the complaint is duplicative of another case filed in this Court and, therefore, dismisses the complaint.

On October 19, 2010, Plaintiff filed a civil rights complaint challenging the actions of several state court judges, a state administrative law examiner and a county prosecutor in connection with several convictions and a parole revocation. That complaint was assigned to the undersigned District Judge. *See Walton v. Boykin*, No. 2:10-cv-14167. Subsequently, Plaintiff filed a second complaint, which was assigned to the Honorable Marianne O. Battani. The Second Complaint was reassigned to the undersigned District Judge, pursuant to Local Rule 83.11, as a companion to the earlier-filed case, number 2:10-cv-14167. *See Order Regarding Reassignment of Companion Case*, Nov. 12, 2010.

The second complaint is identical to the first complaint.

“[A] suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir.1993) (internal quotation marks and citations omitted). This complaint names the same defendants and challenges the same actions as the complaint filed in case number 2:10-cv-14167. Therefore, the instant complaint is duplicative and shall be dismissed. *Accord Scott v. Burress*, No. 2:09-cv-10916, 2009 WL 891695, *1 (E.D. Mich. March 31, 2009) (dismissing later-filed prisoner civil rights complaint because it was duplicative of earlier-filed complaint).

Accordingly, IT IS ORDERED that the complaint [dkt. #1] is DISMISSED WITHOUT PREJUDICE.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: December 10, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record and Jesse J. Walton by electronic means or U.S. Mail on December 10, 2010.

s/Carol A. Pinegar
Deputy Clerk